

So Ordered.

Dated: October 20th, 2020



Frederick P. Corbit

Frederick P. Corbit
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

Chapter 7

**ORDER: (I) APPROVING THE
SALE OF MOSES LAKE
EQUIPMENT AND RELATED
RELIEF, (II) APPROVING BID
PROCEDURES, AND (III)
SHORTENING TIME TO OBJECT**

This matter came to be heard on the *Chapter 11 Trustee's Motion for Order*
(i) Approving the Sale of Moses Lake Equipment and Related Relief, (ii) Approv-
ing Bid Procedures, and (iii) Shortening Time to Object (the "Motion") [Doc No.
720] on October 19, 2020 at 10:00 a.m. (the "Hearing"). Unless otherwise defined
herein, capitalized terms have the meanings ascribed to them in the Motion.

Order: (i) Approving
Sale of Moses Lake Equipment, etc. – Page 1

1 Based upon the Motion, the record before the Court, and the Objection to
2 the Motion, filed on October 8, 2020 [[Doc 753](#)], the Court made the following
3 findings of fact and conclusions of law at the Hearing:

4 1. On September 30, 2020, this case converted to one under Chapter 7 of
5 the Bankruptcy Code by [Order](#) of this Court. Mark D. Waldron is the duly
6 appointed Chapter 7 Trustee herein.

7 2. The interests asserted in the Objection will be adequately protected if
8 the Chapter 7 Trustee holds the Sale proceeds until those asserted interests are
9 resolved.

10 3. Delay is not possible. The ML Equipment will be lost upon delay.

11 4. Mr. Jun Dam is not a miner owner.

12 5. Mr. Jun Dam is not a lawyer.

13 6. Mr. Jun Dam has synthesized the arguments of those who signed the
14 Objection.

15 7. The Sale is in good faith.

16 8. The Chapter 7 Trustee is exercising reasonable business judgment
17 with respect to the Sale.

18 9. Notice of the Sale is sufficient. The request for shortened notice was
19 denied to allow more time for any objecting parties or interested bidders to
20 participate.

21 10. Pursuant to 11 U.S.C. § 704(a)(1), the Chapter 7 Trustee has a duty to
22 collect and reduce to money all property of the estate.

23 Order: (i) Approving
24 Sale of Moses Lake Equipment, etc. – Page 2

1 11. The ML Equipment is property of the estate pursuant to 11 U.S.C.
2 § 541(a)(1) which provides that the estate is comprised of “all legal or equitable
3 interests of the debtor in property as of the commencement of the case.” *Id.*

4 12. Pursuant to 11 U.S.C. §§ 363(b) and (f), the Chapter 7 Trustee has the
5 authority to complete the Sale free and clear of any interest in the ML Equipment.
6 The interest asserted in the Objection is in *bona fide* dispute. 11 U.S.C.
7 § 363(f)(4). The parties signing the Objection “could be compelled, in a legal or
8 equitable proceeding, to accept a money satisfaction of such interest.” 11 U.S.C.
9 § 363(f)(5).

10 13. It is appropriate in a liquidation case to provide that an asserted
11 interest in property sold will attach to the sale proceeds to the extent of the
12 asserted interest.

13 14. An appropriate way to determine the value of property to be sold is to
14 put the property up for sale and learn what people are willing to pay.

15 Any other findings of fact and conclusions of law made by the Court at the
16 Hearing and in the contemporaneous Findings of Fact and Conclusions of Law
17 In Support of Order Authorizing Sale of Moses Lake Equipment are incorporated
18 herein by reference as if set forth fully herein as provided in Rule 7052 of the
19 Federal Rules of Bankruptcy Procedure.

20 ACCORDINGLY, IT IS HEREBY ORDERED THAT THE MOTION IS
21 GRANTED AND FURTHER ORDERED THAT

22 1. The Sale Agreement is approved.

23 _____
24 Order: (i) Approving
25 Sale of Moses Lake Equipment, etc. – Page 3

2. The Chapter 7 Trustee is authorized to proceed with the Sale on terms that are no less favorable to the estate than the terms of the Sale Agreement pursuant to an oral auction to be conducted by the Chapter 7 Trustee.

3. The Bidding Procedures are approved. No credit bids will be allowed or accepted.

4. The form of the Notice and the manner of its service are approved.

5. The Sale is found and is deemed to have been made in good faith.

6. The 14-day stay provided by Rule 6004(h) of the Federal Rules of Bankruptcy is waived.

7. The Trustee shall hold the Sale proceeds until further Order of this Court so that the ownership rights of creditors in the property sold, if any, will attach to the sale proceeds.

8. This Order shall be valid and fully effective immediately upon its entry.

/// END OF ORDER ///

PRESENTED BY:

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as Chapter 7 Trustee*

Order: (i) Approving

Sale of Moses Lake Equipment, etc. – Page 4